

California Implementation Water Board Policies

Sources of Drinking Water

State Water Resources Control Board
Resolution No. 88-63

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**Adoption of a Policy Entitled
“Sources of Drinking Water”**

“All surface and groundwaters of the State are considered to be suitable, or potentially suitable, for municipal or domestic water supply...”

Sources of Drinking Water

Policy Exceptions

- Waters with total dissolved solids (TDS) > 3,000 mg/L
- Waters with contamination, unrelated to a specific pollution incident, that cannot reasonably be treated for domestic use using best management practices or best economically achievable treatment practices

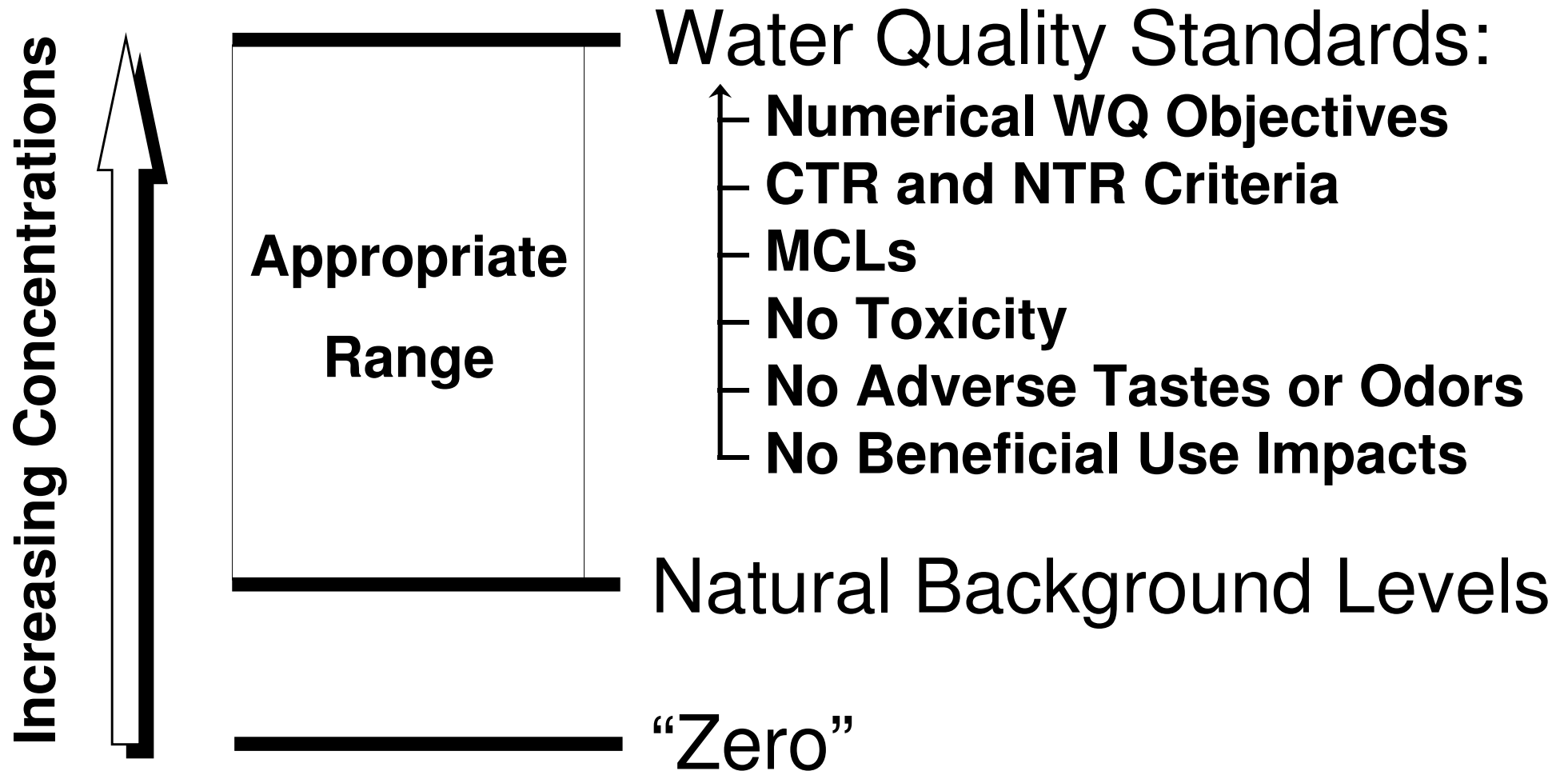
Sources of Drinking Water Policy Exceptions

- Source cannot provide an average sustained yield of 200 gallons per day
- Certain municipal, industrial, and agricultural wastewater conveyances and holding facilities
- Regulated geothermal groundwaters

Antidegradation

State Water Resources Control Board
Resolution No. 68-16

Appropriate Range of Water Quality to Protect Existing & Future Uses



Waste Discharge Permitting

- Federal
 - ◆ National Pollutant Discharge Elimination System (NPDES) Permits
- California
 - ◆ Waste Discharge Requirements
 - WDRs for discharges to Waters of the U.S.
= NPDES Permits

Waste Discharge Requirements

- Requirements for Discharge (CWC §13263)
 - ◆ Shall implement any relevant water quality control plans that have been adopted
 - ◆ Shall take into consideration
 - Beneficial uses to be protected
 - Water quality objectives reasonably required for that purpose
 - Other waste discharges
 - Need to prevent nuisance
 - Provisions of §13241

Waste Discharge Requirements

- Requirements for Discharge (CWC §13263)
 - ◆ Need not authorize utilization of full waste assimilation capacities of receiving waters
 - ◆ May contain a time schedule, subject to revision in the discretion of the board
 - ◆ Shall be reviewed periodically
 - ◆ Shall not create a vested right to continue the discharge

Waste Discharge Requirements

- Effluent Limitations (CWC §13263.6)
 - ◆ Regional board shall prescribe effluent limitations as part of the waste discharge requirements of a POTW
 - ◆ For all substances that the most recent toxic chemical release data indicate as discharged into the POTW
 - ◆ For which the state board or the regional board has established numeric water quality objectives, and
 - ◆ For which the board has determined that the discharge is or may be discharged at a level which will cause, have the reasonable potential to cause, or contribute to, an excursion above any numeric water quality objective

California Toxics Rule Implementation

State Water Resources Control Board
State Implementation Policy (SIP)

Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries

- State Water Resources Control Board adopted March 2000 (amended 2005)
 - ◆ Time Schedules
 - ◆ Mixing Zones
 - ◆ Effluent Limits
 - ◆ Analytical Methods & Reporting Levels
 - ◆ Water Effect Ratios
 - ◆ Background Levels

Policy for Developing California's CWA 303(d) List

- Weight of Evidence Approach
- Structure of the section 303(d) list
- Listing and Delisting Factors
- Implementation measures
 - ◆ Solicitation
 - ◆ Data quality
 - ◆ Data quantity
 - ◆ Approval process

303(d) Listing Policy

Toxic Pollutants

- **Toxics**
- **Listing**
 - ◆ Minimum samples = 2
 - ◆ Minimum number of hits = 2
 - ◆ No. hits needed increases at samples increase
- **Delisting**
 - ◆ Minimum samples = 28
 - ◆ Maximum number of hits allowed = 2
 - ◆ No. allowable hits increases at samples increase

303(d) Listing Policy

Conventional Pollutants

- **Listing**

- ◆ Minimum samples = 5
- ◆ Minimum number of hits = 5
- ◆ No. hits needed increases at samples increase

- **Delisting**

- ◆ Minimum samples = 26
- ◆ Maximum number of hits allowed = 4

TMDL Guidance Scope

- General Guidance
 - ◆ General procedures / steps / phases
 - ◆ Some policy / technical approaches / templates / examples
- Categorical TMDL (Technical) Modules
- Issue Papers

TMDL Policy

- Water Quality Control Policy for Addressing Impaired Waters: Regulatory Structure and Options (2005)
 - ◆ Addressing Impaired Waters
 - Correct the Standard
 - Basin Plan Amendment
 - Certification of Regulatory/Non-Regulatory Action
 - Delist

Non-Point Source Implementation

- Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program, May 2004
 - ◆ Clarified that NPS regulated
 - WDRs
 - Waivers
 - Prohibitions

Water Quality Enforcement Policy

- Enforcement Priorities
- Monetary Assessments in ACLs
- Supplemental Environmental Projects
- Compliance Projects and Enhanced Compliance Actions
- Definition of Small Communities with Financial Hardship (SB 1733)

Investigation and Cleanup

State Water Resources Control Board
Resolution No. 92-49

Cleanup & Abatement

California Water Code, § 13304

“Any person who has discharged or **discharges waste into the waters** of this state . . . and creates, or threatens to create, a condition of **pollution or nuisance**, shall upon order of the regional board, **clean up** the waste or abate the effects of the waste . . .”

State Water Resources Control Board Resolution No. 92-49

“Policies and Procedures for Investigation and Cleanup and Abatement of Discharges under Water Code § 13304”

June 1992, amended April 1994 and October 1996

State Water Resources Control Board

Resolution No. 92-49

The Regional Water Board shall:

- Require the discharger to conduct investigation, cleanup and abatement in a progressive sequence

State Water Resources Control Board

Resolution No. 92-49

Require actions for cleanup and abatement to

- Conform to SWRCB Resolution No. 68-16 (Antidegradation Policy)
 - ◆ the goal of cleanup is background if feasible or
 - ◆ the highest water quality that is reasonable and which meets water quality standards
- Apply Chapter 15, §2550.4 criteria to set cleanup levels greater than background

23 CCR, Division 3, Chapter 15, §2550.4 Cleanup Levels

- Background levels of the individual pollutants, if technologically and economically achievable.

Technologic & Economic Feasibility

SWRCB Resolution No. 92-49

- Technologic feasibility
 - ◆ Available technologies show to be effective under similar hydrogeologic conditions
- Economic feasibility
 - ◆ Objective balancing of
 - Incremental benefit of attaining further reductions in concentrations of constituents of concern
 - Incremental cost of achieving those reductions
 - ◆ Not discharger's ability to finance cleanup

23 CCR, Division 3, Chapter 15, §2550.4 Cleanup Levels

- If background is unachievable, cleanup levels must meet all of the following
 - ◆ Not pose hazard to health or the environment
 - ◆ Lowest concentrations which are technologically and economically achievable
 - ◆ Applicable statutes & regulations (including Water Quality Standards)

23 CCR, Division 3, Chapter 15, §2550.4 Cleanup Levels

- If background is unachievable, cleanup levels must meet all of the following
 - ◆ No excessive exposure to sensitive receptors
 - ◆ Theoretical risks from pollutants are to be considered additive across all media of exposure
 - ◆ Combined toxicologic effects of pollutants together are to be considered additive for pollutants which cause similar toxicologic effects or have carcinogenic effects

Amendment to Resolution 92-49 to Allow a Containment Zone (CZ)

- Dischargers cannot avoid their responsibilities for site cleanup
- However, in some cases, compliance with water quality objectives cannot be achieved within a reasonable period
- Only requirement removed by CZ designation is meeting water quality objectives